

<p>Attorney Name, Address, Telephone &amp; FAX Numbers, State Bar Number &amp; Email Address</p> <p>Dennis Connelly (SBN 232835) LAW OFFICE OF DENNIS CONNELLY 2901 W. Coast Hwy Ste 200 Newport Beach, CA 92663 Ph: (949) 270-2904 Fx: (949) 258-5093</p>	<p>FOR COURT USE ONLY</p>
<p>UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - SANTA ANA DIVISION</p>	
<p>In re:</p> <p>Brian Leach</p> <p>Debtor(s).</p>	<p>CASE NUMBER: 8:19-bk-13139-TA</p> <p>CHAPTER 13</p> <p>APPLICATION OF ATTORNEY FOR DEBTOR FOR ALLOWANCE OF FEES AND EXPENSES FOLLOWING DISMISSAL OR CONVERSION OF CHAPTER 13 CASE SUBJECT TO A RIGHTS AND RESPONSIBILITIES AGREEMENT (RARA) [11 U.S.C. § 330(a)(4)(B); LBR 3015-1(q)(6)]</p>

TO DEBTOR, CHAPTER 13 TRUSTEE, AND PARTIES IN INTEREST:

1. **Rights and Responsibilities Agreement.** The undersigned Attorney and Debtor are parties to a Rights and Responsibilities Agreement (RARA) filed as docket number 3.
2. **RARA Fee Agreement** Pursuant to the RARA, Debtor agreed to pay Attorney (i) a flat fee of \$4,810.00 for those services identified in boldface type in the RARA (Basic Services) and (ii) an hourly fee of \$300.00 per hour, or a reasonable flat fee, for services other than the Basic Services (Additional Services).

*(If the RARA contains any other or different provisions regarding fees for Additional Services, Attorney must (i) check this box ☐ and (ii) attach an addendum providing the details.)*

- 3. Request for Fees.** Pursuant to 11 U.S.C. § 330(a)(4)(B) and LBR 3015-1(v)(2), Attorney requests allowance and payment of the following:

Fees Requested	\$4,810.00
Expenses Requested	\$52.00
Total	\$4,862.00

<sup>1</sup> "Bankruptcy Code" and "11 U.S.C." refer to the United States Bankruptcy Code, Title 11 of the United States Code. "FRBP" refers to the Federal Rules of Bankruptcy Procedure. "LBR" and "LBRs" refer to the Local Bankruptcy Rule(s) of this court.

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

**4. Case Status.**

- ☒ This Chapter 13 case was dismissed by the order entered as docket number 65.
- ☐ This Chapter 13 case was converted to Chapter      by the order entered as docket number     .

**5. Plan Status.**

- ☐ A Chapter 13 Plan was confirmed in this case by the order entered as docket number     .
- ☒ A Chapter 13 Plan was not confirmed prior to dismissal or conversion.

**6. Property on hand.** The Chapter 13 Trustee may possess undistributed property.

**7. Claim Prerequisites.** This Application satisfies the "Claim Prerequisites" identified in LBR 3015-1(q)(6) because it will be filed and served on the Chapter 13 Trustee, Debtor, and other parties in interest within 14 days of entry of the order dismissing or converting this case.

**8. Prior Award for Basic Services.**

- ☐ Attorney previously was awarded fees for Basic Services in the amount of \$             .
- ☒ Attorney previously has not been awarded fees for Basic Services.

**9. Prior Awards for Additional Services.**

- ☒ Attorney has not previously applied for Additional Fees in this case.
- ☐ Attorney previously applied for Additional Fees in this case. A total of \$              has been awarded to Attorney for Additional Fees pursuant to its prior requests.
- ☐ One or more applications for Additional Fees in this case are pending. See docket number(s)                     . A total of \$              in Additional Fees was requested pursuant to those pending applications.

**10. Disclosure of Amounts Previously Paid To Attorney.** Pursuant to LBR 3015-1(v)(2), Attorney discloses the following amounts paid to date (including prepetition payments) by Debtor or the Chapter 13 Trustee to Attorney and the source of those payments:

Date Received	Amount Received	Source of Payment
08/13/2019	\$ 1,190.00	Debtor
TOTAL		

**11. Amount and Basis for Compensation Requested.**

- a. ☒ **Basic Services.** Applicant requests allowance of fees of \$ 2,500.00 for Basic Services pursuant to the RARA.

Description of the services provided, the results achieved and the reasonableness of the requested fee in light of the dismissal or conversion of this case (Check here ☐ if an addendum containing additional information is attached.)

Attorney prepared and filed bankruptcy petition, amended the plan 3 times in response to objections, filed and served 2 motions to value claims (1 real property, 1 vehicle) and negotiated settlement to real property valuation. Plan was ready for approval and was only dismissed due to Debtor's inability to make plan payments which was caused by Covid-19 Virus.

- b. ☒ **Additional Services—Presumptively Reasonable Fees.** Applicant requests allowance of fees of \$ 3,500.00 for Additional Services identified in the following table; these amounts are equal to or less than the maximum No Look Fee specified in Section 2.9(b) of the Court Manual for those services.

*(If you are requesting fees for more than one instance of the same type of service, you must provide the pertinent details in the "Explanation" box or in an addendum.)*

Fee Requested	Maximum No Look Fee	Legal Service	Docket No.
\$750.00	\$750.00	Unopposed motion to extend/impose automatic stay	13
\$	\$350.00	Unopposed application for order shortening time	
\$1,250.00	\$1,250.00	Unopposed motion to avoid lien (11 U.S.C. § 506(a))	42
\$1,500.00	\$1,500.00	Unopposed motion to avoid lien (11 U.S.C. § 506(a)), with stipulation and order	45
\$	\$750.00	Unopposed motion to avoid lien (11 U.S.C. § 522(f))	
\$	\$950.00	Unopposed motion to disallow claim	
\$	\$350.00	Opposition to Chapter 13 Trustee's motion to dismiss or convert case	
\$	\$750.00	Unopposed motion to modify plan	
\$	\$750.00	Unopposed motion to refinance/sell real property	
\$	\$750.00	Unopposed motion to incur debt	
\$	\$300.00	Application for order confirming that loan modification discussion does not violate the automatic stay	
\$	\$2,000.00	Complaint to avoid lien	
\$ 3,500.00		Total Requested	

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- c. ☐ Additional Services—Hourly or Other. Attorney requests allowance of fees of \$\_\_\_\_\_ for Additional Services on an hourly or other basis, as described below:

- (1) Dates during which the Additional Services were provided: from (dates) \_\_\_\_\_ to \_\_\_\_\_.
- (2) Description of the services provided, the results achieved and the reasonableness of the requested hourly fees in light of the dismissal or conversion of this case: (Check here ☐ if an addendum containing additional information is attached.)

- (3) Summary of hourly fees requested for the Additional Services.

Name	Attorney or Paralegal?	Hourly Rate	Hours Billed	Total Requested
		\$		\$
		\$		\$
		\$		\$
		\$		\$
		\$		\$
		\$		\$
<b>TOTAL</b>				

- (4) A billing statement is attached as Exhibit A, identifying each service performed, the service provider, the date rendered, the time spent, and the amount billed (*required*).
- (5) If fees for the Additional Services are requested other than on an hourly basis, the amount requested and the basis for that request are as follows:

12. **Expenses.** Attorney requests an award of expenses incurred in connection with the Additional Services in the amounts summarized in the following table.

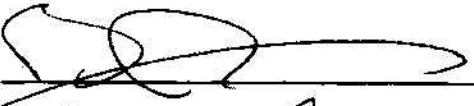
Expense Category	Amount Requested
Court Call	\$52.00
	\$
	\$
	\$
	\$
	\$
	\$
	\$
<b>TOTAL</b>	<b>\$ 52.00</b>

Additional Explanation: (Check here ☐ if an addendum containing additional information is attached.)

(Note: If you are requesting allowance of expenses, you must explain above why the requested expenses are extraordinary.)

13. **Request for Payment.** Pursuant to LBR 3015-1(q)(6), Attorney requests an order directing the Chapter 13 Trustee to disburse to Attorney, to the extent funds are available, the payment of the fees and expenses requested, in addition to any unpaid fees and expenses previously allowed in favor of Attorney in this case.

14. **Consent and Declaration of Debtor.**

CONSENT AND DECLARATION OF DEBTOR(S)	
The undersigned Debtor declares that s/he has reviewed the foregoing Application and consents to approval of payment of the fees and expenses requested by Attorney.	
Executed this <u>28<sup>th</sup></u> day of <u>May</u> , 20 <u>20</u> at (city) <u>Aliso Viejo</u> , (state) <u>CA</u>	
Signature of Debtor 1:	
Printed name of Debtor 1:	<u>Brian A. Leach</u>
Signature of Debtor 2:	_____
Printed name of Debtor 2:	_____

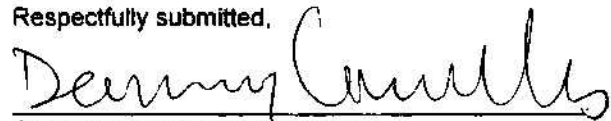
This form is mandatory. It has been approved for use in the United States Bankruptcy Court for the Central District of California.

**15. Certifications of Counsel.**

- a. **No Prior Request.** I certify that Attorney has not previously requested fees or expenses for any of the Additional Services that are the subject of this Application. If I cannot make this certification, I have checked this box ☐ and attached an addendum that discloses the details of that prior request.
- b. **No Debtor Consent and Declaration.** If the Debtor has not executed the Consent and Declaration in Paragraph 13, the reason the Debtor has not done so is as follows:
- c. **True and Correct.** I certify that the information contained in and attached to this Application is true and correct.

Date: 5/27/20

Respectfully submitted,



Signature of Attorney for Debtor

DENNIS CONNELLY  
Printed name of Attorney for Debtor

PROOF OF SERVICE

STATE OF CALIFORNIA       )  
                                  )  
                                  ) ss.  
                                  )  
COUNTY OF ORANGE       )

I am employed in the County of Orange, State of California. I am over the age of eighteen and not a party to the within action; my business address is 2901 W. Coast Highway Ste 200, Newport Beach, CA 92663.

On May 28, 2020 I served the foregoing document described as FEE APPLICATION - BRIAN LEACH, CASE NO. 8:19-bk-13139, on the interested parties by placing a true copy thereof enclosed in sealed envelope(s) addressed as follows:

  X   BY MAIL: I served the documents by enclosing them in an envelope and placing the envelope for collection and mailing following our ordinary business practices. I am readily familiar with this business's practice of collection and processing of correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

Brian Leach  
32 Verdin Lane  
Aliso Viejo, CA 92656

  X   BY CM/ECF: I caused such document to be delivered through the Court's CM/ECF system.

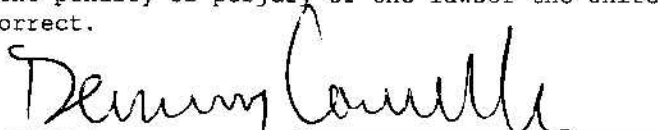
Amrane Cohen Chapter 13 Trustee [efile@ch13ac.com](mailto:efile@ch13ac.com)  
U.S. Trustee [ustpreregion16.sa.ecf@usdoj.gov](mailto:ustpreregion16.sa.ecf@usdoj.gov)  
Wells Fargo Robert Zahradka [caecf@tblaw.com](mailto:caecf@tblaw.com)

           BY FACSIMILE TRANSMISSIONS: The facsimile machine I used complied with California Rules of Court 2.301 and no error was reported by the machine. Pursuant to rule 2.306(h), I caused the machine to print a record of the transmission, a copy of which is attached to this proof of service.

           STATE: I declare under the penalty of perjury of the laws of laws of the State of California that the foregoing is true and correct.

  X   FEDERAL: I declare under the penalty of perjury of the laws of the United States that the foregoing is true and correct.

Executed on May 28, 2020

  
Dennis Connelly